In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 17801 of 2005 (O&M)

Date of Decision: 01.05.2007

Baljit Singh …Petitioner

Versus

State of Punjab & another …Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. G.S. Bajwa, Advocate,
for the petitioner.

Mr. M.P. Goswami, DAG, Punjab,
for respondent No. 1.

Mr. Puneet Gupta, Advocate,
for respondent No. 2.

JUDGMENT

M.M. KUMAR, J. (Oral)

This petition is directed against the order dated 6/10.11.2005 (P-8). According to the aforementioned order, the petitioner was convicted under Section 304 I.P.C. and he was awarded sentence of seven years. When the matter came up for consideration before the Division Bench on 2.12.2005, operation of the impugned order dated 6/10.11.2005 (P-8) was stayed on account of the fact that the order failed to take into account the conduct of the petitioner which has led to his conviction as per requirement of law.

We do not feel the necessity of going into detailed facts because learned counsel for respondent No. 2 has apprised the Court that the petitioner has been acquitted by this Court while allowing Criminal Appeal No. 481-SB of 1995, which was preferred by him against his conviction.

After hearing learned counsel for the parties and perusing the instructions dated 25.4.2005/23.8.2005 (P-7), we are of the view that the Department is required to reinstate such like persons into service and they become entitled to all the benefits, if they are acquitted in appeal or revision. The petitioner would be entitled to all the benefits flowing from instructions dated 25.4.2005/23.8.2005 (P-7). It is needless to mention that in any case operation of the impugned order dated 6/10.11.2005 (P-8) was stayed by this Court and whatever other benefits are admissible to the petitioner in accordance with the instructions dated 5.8.1998 (P-6) shall flow to him.

The writ petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

May 1, 2007
Pkapoor